FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 130 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A.B. Avhad for petitioner.
Mr. G.S. Godbole for respondent no.3.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. RCS No. 75 of 2004 was decreed by the learned Judge, Small Causes Court, Pune by judgment and order dated 13/4/2005. Being aggrieved by the said decree, the defendant filed Appeal No. 377 of 2005 before the District Court, Pune. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 14/2/2006. Thereafter the plaintiffs filed Review Application No.622/06 and the same was allowed by the lower Appellate Court on 23/11/2006 and Appeal No. 377 of 2005 came to be dismissed.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)